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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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			EXAMINER SHINGLES, KRISTIE D	
			ART UNIT 2141	PAPER NUMBER

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/597,196	Applicant(s) ZIMMERMAN, JOHN	
	Examiner Kristie Shingles	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7,9,10 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,7,9,10 and 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

*Applicant has amended claims 5, 7, 9, 10 and 12-16.
Claims 1-4, 6, 8 and 11 have been cancelled. Claims 17-25 are new.*

Claims 5, 7, 9, 10 and 12-25 are pending.

Response to Arguments

1. Applicant's arguments with respect to claims 5, 9 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. **Per claim 7**, a dependent claim may refer to any preceding independent claim. See MPEP § 608.01(n). Claim 7 is therefore objected to for its dependence on succeeding independent claim 9. Clarification and/or correction are required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 7, 9, 10, 12-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hunter* (US 2001/0047426) in view of *White et al* (USPN 5,983,273).

a. Per claim 14, *Hunter* teaches the method of controlling an appliance, comprising:

- receiving an address of a relay server from a remote device (paragraphs 0012 and 0022—client receives URL link to resolution server from a routing server),
- transmitting a first request to the relay server (paragraphs 0012 and 0022—client makes request to resolution server),
- receiving an address of a profile server from the relay server, based on the first request (paragraphs 0012 and 0022—resolution server sends a target URL associated with the IID code on the content server),
- transmitting a second request to the profile server (paragraphs 0036-0038),
- receiving a profile from the profile server, based on the second request (paragraphs 0037-0042).

Hunter teaches profiled routing of data to the client and storage of link code (paragraphs 0024, 0026-0028, 0032, 0039-0040), wherein user profile data of user-specific parameters is uploaded to the client from the server. However, *White et al* teach transmission of SmartCard data or an embedded silicon identifier that identifies the WebTV box to the log-in service and is further used for access to the server and customer database (col.6 line 65-col.7 line 60, col.8 line 6-col.9 line 7). Furthermore, *White et al* teach identification information that is read from the SmartCard and transmitted to the log-in server (col.9 lines 37-58). Then, upon proper authentication, a ticket is generated and passed to the client (col.7 lines 24-39); wherein configuration information being downloaded to the client from the setup database for

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customizing the operations of the client's device according to the preferences of the user (col.5 lines 29-46, col.6 lines 11-25, col.7 lines 43-60, col.8 lines 6-27, col.9 line 59-col.10 line 60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Hunter* and *White et al* for the purpose of accessing user or device profile/configuration data from a server in order to securely provide the appropriate requested data to the client appliance according to information and preferences in its profile.

b. **Claims 5, 9 and 16** contain limitations that are substantially similar to claim 14 and are therefore rejected under the same basis.

c. **Regarding claim 7**, *Hunter* and *White et al* teach the method of claim 9 as applied above, *White et al* further teach the method wherein each of the first remote device and the second remote device correspond to a portable device (col.4 lines 5-67; *Hunter*: paragraphs 0013, 0025-0028).

d. **Regarding claim 10**, *Hunter* and *White et al* teach the method of claim 9 as applied above, *White et al* further teach the method wherein each of the first and second remote device corresponds to a radio frequency identification device (col.3 lines 51-66, col.4 lines 5-67; *Hunter*: paragraphs 0013, 0025-0028).

e. **Regarding claim 12**, *Hunter* and *White et al* teach the method of claim 10 as applied above, *White et al* further teach the method wherein delivering the first and second access data includes co-locating the radio frequency identification device with the appliance (col.6 line 66-col.7 line 60, col.8 lines 55-67).

f. **Regarding claim 13**, *Hunter* and *White et al* teach the method of claim 9 as applied above, *White et al* further teach the method wherein receiving at least the portion of the first configuration data includes receiving a portion of the profile data including data relating to the appliance and data relating to another type of appliance (col.7 line 43-col.8 line 27, col.8 lines 55-67; *Hunter*: paragraphs 0022-0024, 0030-0031, 0034-0035).

g. **Regarding claim 15**, *Hunter* and *White et al* teach the method of claim 9 as applied above, *Hunter* further teaches the method wherein the remote device is a radio-frequency device that transmits the address associated with the relay server (paragraphs 0012 and 0022).

h. **Regarding claim 17**, *Hunter* and *White et al* teach the method of claim 14 as applied above, *Hunter* further teaches the method wherein the device identifier includes a Uniform Resource Locator (URL) associated with the relay server (paragraphs 0012 and 0022).

i. **Claims 19, 24 and 25** are substantially similar to claim 17 and are therefore rejected under the same basis.

j. **Regarding claim 18**, *Hunter* and *White et al* teach the appliance of claim 5 as applied above, *Hunter* further teaches the appliance wherein the communications device is a wireless device that is remote from the appliance (paragraphs 0025-0026; *White et al*: col.4 lines 5-67).

k. **Regarding claim 20**, *Hunter* and *White et al* teach the appliance of claim 5 as applied above, *Hunter* further teaches the appliance wherein the controller is configured to determine an address of the relay server based on the device identifier (paragraphs 0022-0024, 0028).

l. **Regarding claim 21**, *Hunter* and *White et al* teach the appliance of claim 5 as applied above, *White et al* further teaches the appliance wherein reconfiguring the appliance includes creating a composite of the first profile data and the second profile data (col.5 lines 46-58, col.7 lines 7-60, col.10 lines 137).

5. Claims **22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hunter* (US 2001/0047426) and *White et al* (USPN 5,983,273) in view of *Hanko et al* (USPN 6,912,578).

a. **Regarding claim 22**, *Hunter* and *White et al* teach the method of claim 12 as applied above, *White et al* teaches configuring an appliance according to the data read from the smart card upon insertion of the smart card into the appliance (col.4 lines 5-23, col.9 lines 8-37, col.10 lines 1-25). Yet *Hunter* and *White et al* fail to explicitly teach reconfiguring the appliance to the first configuration after removal of the second remote device from a vicinity of the appliance. However, *Hanko et al* teach that when a smart card is removed from the desktop terminal unit then the unit's system returns to its original state of operation (col.3 lines 40-53, col.5 lines 18-30, col.9 lines 38-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Hunter* and *White et al* with *Hanko et al* for the purpose of permitting the appliance to reconfigure itself once the smart card is remove, in order for the appliance to return to its original dormant state, ready for input; because this safeguards the integrity of the appliance's original configuration state from being compromised or over-

written with preferential data from user's smart cards and permits other smart cards to effectively use the appliance.

b. **Regarding claim 23**, *Hunter, White et al* with *Hanko et al* teach the method of claim 22, *Hanko et al* further teach the method further including measuring a time duration after the removal of the second remote device, and wherein reconfiguring the appliance to the first configuration occurs when the time duration exceeds a predefined persistence period (col.3 lines 40-53, col.5 lines 18-30, col.9 lines 38-57, col.11 lines 10-41, col.13 lines 38-54).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Aziz et al* (USPN 6,643,701 and 6,119,234), *Kloba et al* (USPN 6,839,744), *Mikkonen* (USPN 6,822,971), *Stern et al* (USPN 6,795,923), *O'Toole et al* (USPN 6,757,723), *Philyaw* (USPN 6,868,433).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


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SUPERVISORY PATENT EXAMINER